United Nations CRC/C/ZAF/Q/2

Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-third session
13-30 September 2016
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the second periodic report of South Africa

The State party is requested to submit, in writing, additional, updated information, if possible before 1 June 2016 (10,700 words maximum).

The Committee may take up any aspect of children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. With reference to paragraph 39 of the State party report (CRC/C/ZAF/2), please inform the Committee about the implementation of the National Plan of Action for Children in South Africa 2012-2017, including mid-term evaluation of concrete achievements and challenges faced in its implementation.

2. With reference to the dissolution of the Department of Women, Children and Persons with Disabilities and the transfer of the responsibility for children's issues to the Department of Social Development in 2014, please provide information on the mandate of the Department of Social Development in relation to all areas of the Convention and on how that Department coordinates the work relating to children across the Government. Please also provide information on the financial and human resources allocated specifically to children's issues at the Department.

3. With reference to paragraphs 3 and 51 of the State party report, please update the Committee with information on measures taken to improve the budget process to allow for a more accurate determination of allocations to and expenditure on children's rights, and to secure sufficient resources to fully implement the laws on children.

4. Please inform the Committee about measures taken to regulate the activities of business enterprises, in particular extractive industries, with regard to respect for human rights, environment and health standards, and to monitor their compliance with such

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standards. Please provide information on investigations into alleged violations, prosecution and sanction of perpetrators, and remedies provided to child victims.

5. Please explain what measures have been taken to ensure that those children whose birth was not registered within 30 days of the date of birth would receive a birth certificate. Please also inform the Committee about measures to ensure birth registration for stateless children and children at risk of statelessness, including those born to parents who are undocumented non-nationals, and for children in prison with their mothers.

6. Please elaborate on measures taken to eliminate the high prevalence of violence in the State party, in particular, sexual violence, domestic violence, child abuse and neglect, and corporal punishment, both at home and at school, as well as bullying at school and over the Internet. In relation to the violence mentioned above, please include information on measures taken to improve the low reporting, prosecution and conviction rates and on remedies, protection and rehabilitation and reintegration support provided to child victims of such violence. Please also include information on groups of children who face heightened risk of exposure to violence, such as refugee, asylum-seeking and migrant children, children in street situations, unaccompanied or separated children, lesbian, gay, bisexual, transgender and intersex children, and children with albinism.

7. Please provide updated information on the prevalence and trend of harmful practices, including with respect to prevention measures, investigations, and prosecution of and sanctions imposed on perpetrators, as well as information on remedies, protection and support provided to child victims of such practices. Please also provide the Committee with an evaluation of the effectiveness of measures that have been taken to combat such practices and the update, referred to in paragraph 256 of the State party report, on the investigation conducted by the South African Law Reform Commission, into the impact of *ukuthwala* on girls and the Commission's assessment of the need for law reform to address that practice.

8. With reference to the sharp increase in the number of foster care placements (see para. 191 of the State party report), please provide updated information on measures taken to solve this crisis and to respond to growing backlogs and lapses in foster-care orders, and to provide necessary support, such as the foster care grant, to children in foster care in a reliable and sustainable manner. Please also provide information on efforts made to monitor the situation of children in kinship care or adopted through customary adoptions.

9. Please provide concrete information on measures taken to address the identified challenges in realizing the rights of children with disabilities (see para. 221 of the State party report), such as long waiting periods for assistive devices, the lack of Braille and sign language services, lack of access to public transport, the need for support for caregivers, and the lack of protection of the sexual and reproductive rights of children with disabilities. Please also inform the Committee of any steps taken to enact legislation to protect the rights of children with disabilities.

10. Please indicate how the prevalence of pregnancy, HIV/AIDS infection, drugs and substance abuse and suicide has been reduced during the period under review. Please also indicate how adolescents have been involved in law-making and policymaking on these issues.

11. Please provide the Committee with updated information on legal and policy measures taken, since the submission of the State party report, to eradicate child malnutrition and on the evaluation of the effectiveness and impact of such measures. Please provide information on the concrete measures that have been taken to implement the Tshwane declaration in support of exclusive breastfeeding (2011), and to regulate the marketing of unhealthy foods to reduce overweight and obesity among children.

12. Please provide information on the situation of children in informal settlements, in particular on measures taken to improve their access to adequate housing, water and

sanitation, and to guarantee protection from forced eviction. Please also comment on incidences of displacement and relocation owing to development projects, such as mining or urban planning, and measures taken to protect children from such displacement and the negative impacts of relocation.

13. With reference to paragraph 324 of the State party report, please elaborate on measures taken to improve access by refugee, asylum-seeking and migrant children, in particular unaccompanied children, to refugee and asylum-seeking procedures; to birth certificates and other enabling documents; to social services such as health care, education and social security, without discrimination; and to protection from exploitation, violence and arbitrary arrest and detention. Please also update the Committee on the main changes proposed under the refugees amendment bill, notice No. 806 of 2015.

14. Please provide information on measures taken to guarantee an adequate standard of living and access to education and health care to children belonging to indigenous peoples, and to protect them from violence, exploitation and substance abuse.

15. Please also provide more detailed information on the measures taken to eliminate the use of children in drug trafficking.

16. Please update the Committee on the progress made in revising the minimum age of criminal responsibility by 1 April 2015, as envisaged under the Child Justice Act of 2008. With reference to paragraphs 159 and 160 of the State party report, please provide more detailed information on the conditions for pretrial detention of children. Please also provide more detailed information on the standards for conditions and service provision at detention facilities, including for space, hygiene and recreation facilities, access to nutritious food, education and health-care services. Furthermore, please elaborate on the concrete measures for the protection of child victims and witnesses of crimes provided for under the Domestic Violence Act of 1998 and any other relevant laws and policies.

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:

(a) New bills and laws, and their respective regulations;

(b) New institutions and their mandates, and institutional reforms;

(c) Recently introduced policies, programmes and action plans, and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget, gross national product and geographic allocation.

2. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of:

(a) Children stunted, wasted and overweight, and children having micronutrient deficiencies;

(b) Children involved in economic activities and children engaged in the worst forms of child labour;

(c) Indigenous children receiving education at the Foundation Phase level in their indigenous language;

(d) Children used in the illicit production and trafficking of drugs;

(e) Children in pretrial detention, including in police custody, child and youth care centres and prisons, and the average duration of the detention;

(f) Children convicted of a crime, disaggregated by age, type of crime and sentence, and children in detention as a result of criminal sentences.

3. Please provide data, disaggregated by age, sex, socioeconomic background, geographic location and nationality, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:

(a) Separated from their parents;

(b) Living in child-headed households;

(c) Placed in institutions, disaggregated by the length of placement;

(d) Placed with foster families;

(e) Adopted domestically or through intercountry adoptions.

4. Please provide data, disaggregated by age, sex, type of disability and geographic location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Not attending school;

(g) Abandoned by their families.

5. Please provide data, disaggregated by, inter alia, age, sex, socioeconomic background, geographic location and ethnic origin, for the past three years, on:

(a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, primary schools and secondary schools;

(b) The number and percentage of dropouts and repetitions;

(c) The teacher-pupil ratio.

6. Please provide the Committee with an update of any data in the report that may have been superseded by more recent data or that may have been affected by new developments.

7. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention